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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,808	01/29/2004	Richard E. Rowe	29757/P-899	5545
22434	7590	09/12/2007		
BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER PINHEIRO, JASON PAUL	
			ART UNIT	PAPER NUMBER
			3714	
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			09/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,808	Applicant(s) ROWE ET AL.	
	Examiner Jason Pinheiro	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/30/2004 & 10/11/2005; 4/30/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "262" in Fig. 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 10 (Pg. 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

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the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Pg. 13, Line 11: "chino routine 209" should be changed to --keno routine 209--.

Appropriate correction is required.

Claim Objections

4. Claims 2-8, 10-19, 21, 23-31, 34-38 are objected to because of the following informalities:

Regarding claims 2-8 & 21 (Line 1): "a gaming system" should be changed to --the gaming system--.

Regarding claims 10-19 & 23-31 (Line 1): "a gaming apparatus" should be changed to --the gaming apparatus--.

Regarding claims 34-38 (Line 1): "a gaming method" should be changed to --the gaming method--.

Regarding claims 19 (Lines 8-9), 22 (Lines 19-20), 27-28, 30 (Line 2) & 38 (Line 6): "a game characteristic" should be changed to --the game characteristic --.

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Regarding claims 35-36 (Lines 1-2): "a game from a plurality of available games" should be changed to -- the game from the plurality of available games --.

Regarding claim 36 (Line 2): "a game previously player" should be changed to -- a game previously played --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 27 recites the limitation "said player preferences" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Paulsen (US 2002/0142846).

Regarding claim 1: Paulsen discloses a network server comprising a gaming server controller comprising a processor and a memory operatively

coupled to said processor (paragraph [0015]), said network server controller being programmed to receive request data relating to a request for a game (paragraph [0015]), said network server controller being programmed to receive preference data relating to preferences of a first player (paragraph [0015]), said network server controller being programmed to select a game from a plurality of available games based upon said first player preferences (paragraph [0015] – paragraph [0016]), said network server controller being programmed to provide said selected game in response to said request (paragraph [0015] – paragraph [0016]), a gaming apparatus operatively coupled to said network server (paragraph [0011]), said gaming apparatus comprising: a display unit capable of generating video images (paragraph [0011]), a value input device (paragraph [0003]) and a gaming apparatus controller comprising a processor and a memory operatively coupled to said processor (paragraph [0011]), said gaming apparatus controller being programmed to provide said network server with said request data (paragraph [0011]), said gaming apparatus controller being programmed to receive game selection data relating to said selected game (paragraph [0011]), said gaming apparatus controller being programmed to cause said display unit to generate a game display relating to said selected game (paragraph [0011]), said gaming apparatus controller being programmed to determine a value payout associated with an outcome of said selected game (paragraph [0004]).

Regarding claims 2, 13 and 34: Paulsen discloses that said network server controller is programmed to receive game characteristics data relating to

game characteristics of said plurality of available games, wherein said network server controller is programmed to select an available game by comparing said first player preferences to said game characteristics (paragraph [0016] – paragraph [0018]).

Regarding claims 3, 14 28 and 35: Paulsen discloses that said network server controller is programmed to select an available game by comparing said first player preferences to preferences of a second player and selecting a game associated with said second player (paragraph [0124]).

Regarding claims 4, 15 and 29: Paulsen discloses that said second player preferences comprises preferences of a particular player demographic (paragraph [0012]).

Regarding claims 5, 30 and 36: Paulsen discloses that said network server controller is programmed to select an available game by comparing a game previously played by said first player to said plurality of available games (paragraph [0011]).

Regarding claims 6, 17 and 37: Paulsen discloses that said network server controller is programmed to provide previous game data relating to a game previously played by said first player to said gaming apparatus (paragraph [0011]), wherein said gaming apparatus controller is programmed to cause said display unit to generate a game display relating to said previously played game (paragraph [0011]).

Regarding claims 7, and 18: Paulsen discloses that said gaming apparatus controller is programmed to provide said network server controller with a player identification (paragraph [0067]), wherein said network server controller is programmed to receive player profile data relating to a player profile associated with said player identification, said player profile data comprising said first player preferences (paragraph [0011] – paragraph [0012]).

Regarding claims 8, 19 and 38: Paulsen discloses that said network server controller is programmed to select a game characteristic from a plurality of game characteristics based upon said first player preferences to provide a game characteristic selection comprising said selected game characteristic (paragraph [0011]), wherein said gaming apparatus controller is programmed to cause said display unit to generate a game characteristic selection display relating to said game characteristic selection (paragraph [0033]), wherein said gaming apparatus controller is programmed to implement a game characteristic from said game characteristic selection in said selected game (paragraph [0011]).

Regarding claims 9, and 22: Paulsen discloses that which is discussed above. Paulsen further discloses that said controller is programmed to cause said display unit to generate a game display relating to one of the following games: a game from said game selection, poker, blackjack, slots, keno or bingo (paragraph [0013]).

Regarding claim 10: Paulsen discloses that said display unit comprises a video display unit that is capable of generating video images (paragraph [0013]).

Regarding claim 11: Paulsen discloses that said controller is programmed to cause a video image comprising an image of at least five playing cards to be displayed if said game comprises video poker, wherein said controller is programmed to cause a video image comprising an image of a plurality of simulated slot machine reels to be displayed if said game comprises video slots, wherein said controller is programmed to cause a video image comprising an image of a plurality of playing cards to be displayed if said game comprises video blackjack, wherein said controller is programmed to cause a video image comprising an image of a plurality of keno numbers to be displayed if said game comprises video keno, wherein said controller is programmed to cause a video image comprising an image of a bingo grid to be displayed if said game comprises video bingo (paragraph [0013]).

Regarding claim 12: Paulsen discloses that said display unit comprises at least one mechanical slot machine reel (paragraph [0090]).

Regarding claims 20, and 32: Paulsen discloses that said gaming apparatuses are interconnected to form a network of gaming apparatuses (paragraph [0062], Fig. 2).

Regarding claim 21: Paulsen discloses that said gaming apparatuses are interconnected via the Internet (paragraph [0062], Fig. 2).

Regarding claim 23: Paulsen discloses that said game characteristics comprise payout tables (paragraph [0013]).

Regarding claim 24: Paulsen discloses that said game characteristics comprise game themes (paragraph [0013]).

Regarding claim 25: Paulsen discloses that said game characteristics comprise a minimum bet (paragraph [0013]).

Regarding claim 26: Paulsen discloses that said game characteristics comprise a game type (paragraph [0013]).

Regarding claim 27: Paulsen discloses that said controller is programmed to select a game characteristic by comparing said first player preferences to said player preferences (paragraph ([0124])).

Regarding claim 31: Paulsen discloses that said controller is programmed to select a game from a plurality of available games based upon said first player preferences to provide a game selection (paragraph [0015] – paragraph [0016]), wherein said controller is programmed to cause said display unit to generate a game selection display relating to said game selection (paragraph [0033]), wherein said controller is programmed to cause said display unit to generate a game display relating to a game from said selection of games (paragraph [0011]).

Regarding claim 33: Paulsen discloses receiving identification data relating to the identity of a first player (paragraph [0067]); receiving player profile data relating to a player profile associated with said player identity, said player profile comprising preference data relating to preferences of said first player (paragraph [0011] – paragraph [0012]); selecting a game from a plurality of

available games based upon said first player preferences to provide a game selection (paragraph [0011]); causing a game selection display relating to said game selection comprising said selected game to be generated (paragraph [0033]); causing a game display of one of the following games to be generated: a game from said game selection, poker, blackjack, slots, keno or bingo (paragraph [0013]); and determining a value payout associated with an outcome of said game represented by said video image (paragraph [0004]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is 571-270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP
09/06/2007


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